

real estate of the intestate to Jeremiah Booth, consisting of 397½ acres of land, at \$28.50 per acre; and an undivided half of a lot of land whereon a warehouse stood, for \$1,000; amounting altogether to £4,623 5s. 7½d.; which sale, after the usual order *nisi*, was, on the 17th of June, 1812, absolutely ratified and confirmed.

On the 30th of July, 1812, the auditor reported, that he had stated sixteen claims of creditors. including that of the plaintiff as No. 5, exhibited against the estate of the deceased Richard Jordan, amounting to £1,720 12s. 2d., including interest thereon to the day of sale, to some of which he stated objections; and that after the payment of the trustee's commission and costs, and the full amount of the claims, there remained a surplus of £619 16s. 2½d. out of the money received by the trustee.

KILTY, C., 30th July, 1812.—Ordered, that the statement of the claims reported by the auditor, which are not objected to by him, be confirmed, and paid by the trustee with interest thereon, in proportion as the same has been or may be received; and that the commission be retained with interest in like manner; and the costs paid to the sheriff, register, and auditor. The claims No. 9, 14, 15, and the claim of James Thompson, to stand for further proof.

On the petition of James Dall & Co., their claim No. 10, was restated by the auditor to rectify a mistake which had been made to their prejudice. And on the 12th of January, 1813, the trustee was directed to report what further proceeds of sale he had received; and to pay away no part thereof until further order.

**286** \*After which Edmund Key, by his petition, stated, that he was the guardian of the infant defendants Richard and Ann; and therefore prayed, that the surplus of the proceeds of the sale of their ancestor's real estate, which had descended to them, and had been sold, might be ordered to be paid to him to be invested for their benefit, &c. A similar application was also made by a letter of the 20th of May, 1816, from the said Key, addressed to the Chancellor.

On the 11th of June, 1816, the auditor reported that he had restated the claims of the creditors, amounting to \$2,762.24, to pay which, the sum brought in by the trustee was not sufficient, by \$124.30; which report was, by an order of the same day, confirmed. And the auditor also reported, that he had stated two additional claims, that of James Cook as No. 22, and that of Henry H. Chapman as No. 23; which were afterwards allowed; so that it would in fact require the sum of \$377.21, to be brought in by the trustee to satisfy all the claims of creditors thus approved and passed.

After which the auditor was requested by the Chancellor to state the balance due to Ann Jordan; and whatever might be